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Target Illegally Collects Customers' Biometric Data, Class Action Lawsuit Alleges

A class action lawsuit filed in Illinois claims retail giant Target collects and stores customers' biometric data, such as facial scans and fingerprints, without obtaining proper consent in violation of the state's Biometric Information Privacy Act.

By John-Michael Dumais

35

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Retail giant Target illegally collected and stored customers' biometric data, including face and fingerprint scans, according to an Illinois woman who filed a class action lawsuit against the Minnesota-based company on behalf of herself and other customers.

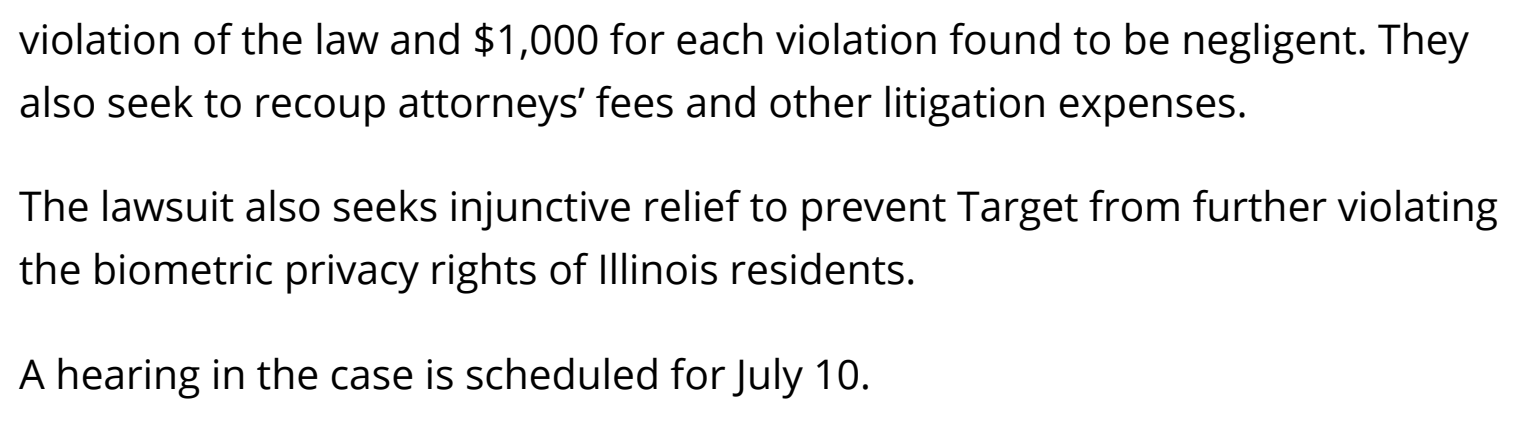
Arnetta Dean alleges Target violated Illinois' Biometric Information Privacy Act (BIPA) by collecting customers' data without obtaining written consent or sharing data retention and destruction policies.

The lawsuit, filed on March 11 in the Circuit Court of Cook County, Illinois, also claims the company did not provide the necessary disclosures or allow customers to opt out of the data collection practices.

Plaintiffs seek statutory damages of $5,000 for each intentional or reckless violation of the law and $1,000 for each violation found to be negligent. They also seek to recoup attorneys' fees and other litigation expenses.

The lawsuit also seeks injunctive relief to prevent Target from further violating the biometric privacy rights of Illinois residents.

A hearing in the case is scheduled for July 10.



Target uses 'advanced behavior analysis' to detect shoplifters

Dean, an Illinois resident, filed the lawsuit after allegedly having her biometric data collected without consent during visits to the retailer's stores.

According to NBC Chicago, Target allegedly employs advanced facial recognition technology in its stores to prevent theft.

The suit cites a Target investigations center leader who said, "[W]e are using state-of-the-art equipment to gather as much intelligence as possible, reduce business risks, and take down criminals."

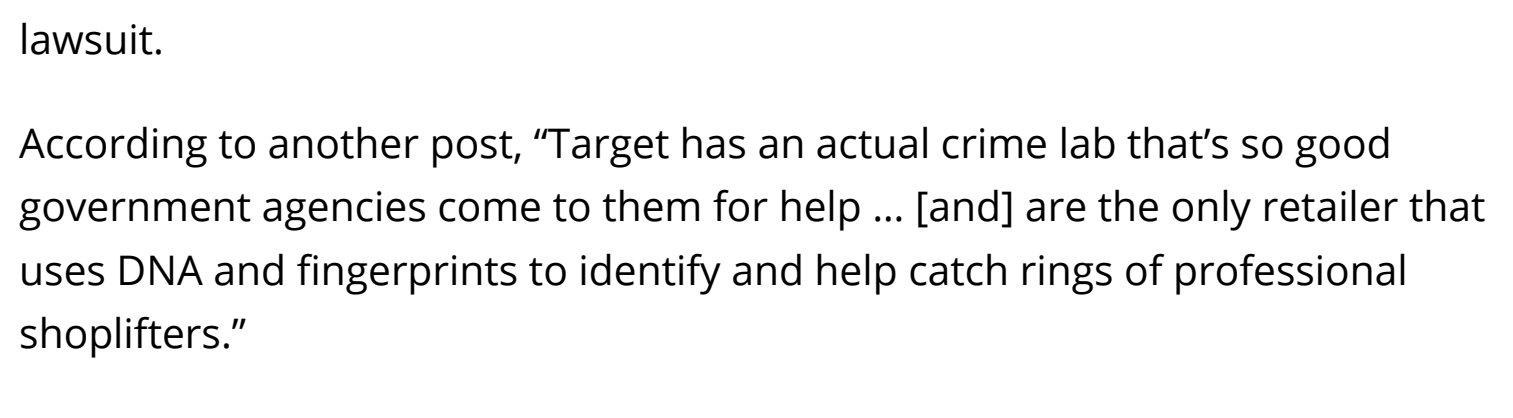
The lawsuit alleges Target "operates one of the largest and most advanced networks of cameras" and has developed an advanced system of electronic surveillance that includes 14 investigation centers and two forensic labs "to enhance video footage and analyze fingerprints."

A former Target manager wrote in a thread on Quora that Target takes photos every time customers step on and off the property, builds a database of them wandering through the store, and uses "incredibly advanced behavior analysis and facial recognition software" to detect potential shoplifters, according to the lawsuit.

According to another post, "Target has an actual crime lab that's so good government agencies come to them for help … [and] are the only retailer that uses DNA and fingerprints to identify and help catch rings of professional shoplifters."

Customers who frequent the store but do not make a purchase "are going to be suspected of being shoplifters, and they will be scrutinized more closely," according to a third Quora post.

The lawsuit references "an entire TikTok page of videos" where consumers and former employees discuss Target's surveillance system.



Background on BIPA

Passed in 2008, Illinois' BIPA safeguards residents' biometric data, such as facial scans and fingerprints.

The act recognizes the unique nature of biometric information, emphasizing that, unlike other personal data like social security numbers, biometric identifiers cannot be easily changed if compromised. This makes people particularly vulnerable to identity theft and other risks if their biometric data is mishandled.

Under BIPA, companies collecting biometric data in Illinois must follow strict guidelines.

First, they must inform individuals in writing that their biometric information is being collected and specify the purpose and duration of its use.

Second, they must obtain a written release from the individual before collecting the data.

Third, companies must develop and make publicly available a retention schedule and guidelines for permanently destroying the collected biometric data.

Violating BIPA can result in significant penalties for companies, including damages ranging from $1,000 for each negligent violation to $5,000 for each intentional or reckless violation, liability for attorneys' fees and other litigation expenses — precisely the relief the plaintiffs in the current lawsuit are seeking.

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Similar lawsuits and settlements

BIPA, unique to Illinois, provides protections rarely granted by other states's laws. This has led to "hundreds of David-and-Goliath legal battles against some of the world's most powerful companies," some resulting in huge settlements, according to NBC Chicago.

In recent years, several tech giants have found themselves in the crosshairs of Illinois' biometric privacy law. The most notable case involves Facebook, which settled a class action lawsuit for $650 million in 2022. The social media behemoth was accused of collecting and storing digital scans of users' faces without permission. As a result, over 1 million Illinois Facebook users received checks for nearly $400 each.

Google, Snapchat and TikTok also faced their own BIPA lawsuits.

Google was accused of violating BIPA through its Google Photos service, which between 2015 and 2022 allegedly collected and stored biometric data of Illinois residents who appeared in photos uploaded to the platform.

Snapchat, meanwhile, landed in trouble over claims that it illegally collected users' biometric information through its filters and lenses, resulting in a $35 million settlement in 2022.

As for TikTok, the popular video-sharing app in 2022 reached a $92 million multistate settlement in a class action lawsuit, with Illinois claimants receiving the biggest share of the payout due to BIPA.

In November 2023, an Illinois federal court allowed a class action lawsuit against Amazon to proceed, alleging the company's Alexa devices violated BIPA by collecting users' voiceprints without proper notice and consent.

In another significant 2023 BIPA decision, the Illinois Supreme Court held in Cothron v. White Castle System Inc. that a BIPA violation occurs each time an entity collects or discloses biometric information without consent, not just the first time.

The case involved a class of employees who accused White Castle of repeatedly collecting and disclosing their fingerprints without consent through a system used to access pay stubs and computers.

BIPA lawsuits in Illinois reportedly increased by nearly two-thirds, to 122 cases in the two months following the Supreme Court's seminal ruling.

In a smaller Illinois case, the sandwich shop chain Pret a Manger paid over $677,000 to resolve a class action lawsuit that accused it of collecting and storing the fingerprints of nearly 800 employees through its time-keeping system without providing prior notice to the affected workers, as required by BIPA.

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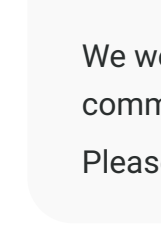

John-Michael Dumais

John-Michael Dumais is a news editor for The Defender. He has been a writer and community organizer on a variety of issues, including the death penalty, war, health freedom and all things related to the COVID-19 pandemic.

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35 Comments

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Best Newest Oldest

holisticpoet
8 days ago

This is totally unacceptable in an enlightened world. However for a tyrannical world it makes perfect sense. The issue we must decide which type of world we wish to live in and act accordingly. Calling those out who wish to live differently than ourselves is a prudent start!

12 0 Reply

ME MCC → holisticpoet
8 days ago

Absolutely - and I wear my "Weekend at Biden's" t-shirt as often as possible.

5 0 Reply

chingchang → ME MCC
7 days ago

what a great idea. You must get a lot of laughs

2 0 Reply

tony → ME MCC
2 days ago

My fav t-shirt says : FRIENDS DONT LET FRIENDS VOTE DEMOCRAT. It ALWAYS gets some great looks

0 0 Reply

ME MCC
8 days ago

If people don't quit going along with everything, we will end up like Canada.

8 0 Reply

chingchang → ME MCC
7 days ago

or worse--China

3 0 Reply

Beatrice → ME MCC
7 days ago

Yes and that's the problem. People are not disciplined enough to control their impulsive habits and love of convenience and will sell us all down the river. Let's face it, we are already down the river.

2 0 Reply

chingchang → Beatrice
7 days ago

agree, I feel like I am drowning. How do we fight back?

0 0 Reply

Beatrice → chingchang
7 days ago

Most people will not appreciate my advice or want to live like I do. My advice is to not use technology unless it's absolutely necessary but this of course requires discipline, sacrifices and a change in values. I live very much like the Amish in that regard.

I don't need to have fun or be entertained. I have fun all day long doing my chores and work. It's not what many would consider fun but it's just an attitude I have about life in general and I'm not a happy go lucky chick in rose colored glasses. In truth I'm a realist aka Debbie Downer. I hear people talk about planning expensive vacations and I always think how that never crosses my mind. Is there something wrong with me? I don't need a vacation or a time out from my life. The grass isn't any greener over there than it is right under my feet.

My advice is to literally write down what you value and make the sacrifices necessary to align with them. One by one we will return to living a more meaningful and fulfilling life with real

see more

4 0 Reply

digo → Beatrice
4 days ago

You are a wise woman. I too share your ability to find fun in chores. I love working to keep my home and yard clean and orderly, my family and pets happy and healthy. No vacations needed. Thanks for sharing your lifestyle. Keeping it local is always good for us and for the planet.

2 0 Reply

Beatrice → digo
3 days ago

PS...local is one way of nurturing our human soul with many benefits.

I wish more people would realize how they have become gluttonous consumers of junk. I'm not just talking about things we eat but digital junk as well. Industry preys on everyone by tempting them with convenience. As you know, evil always takes the path of least resistance. Call me a martyr, but I'd rather work a little harder than go down that road.

2 0 Reply

Beatrice → digo
3 days ago

Beautiful :D

1 0 Reply

Duties
8 days ago

I've never understood Target's positioning and therefore never shopped there. It's not a true discounter like WalMart or the new purveyors of junk (Dollar General, Dollar Tree, Family Dollar, Big Lots) and it's not a fashion forward store like Macy's or Dillards. Plus, they championed hairy, 45-year old men urinating next to our 10-year old daughters in their restrooms.

7 0 Reply

chingchang → Duties
7 days ago

excellent reply

2 0 Reply

Beatrice → Duties
7 days ago

Target akaTar -Jay was once considered the `high class' Kmart but when Kmart failed, it fell into that lower slot. It carried a less expensive version of top elite brands at one time. I remember them carrying Smith and Hawken garden products.

1 0 Reply

Rose White
8 days ago

What these corporations are doing is wrong on so many levels! Their eliminating every shred of privacy individuals have left and we need to fight to keep any dignity as human beings before it's ALL been ripped away! "These corporations need to be re-educated on the meaning of being a decent human being"....

6 0 Reply

Beatrice → Rose White
7 days ago

The corporations are our government. They work for our government. There is no separation of corporation and government and there hasn't been for many years. I think they call this fascism.

5 0 Reply

Caroline Cary Davidson
8 days ago

retail losses from shoplifting are huge and there's nothing wrong with seeking to lessen that BUT this doesn't pass the smell test that that is all that's going on here. glad I stopped going to Target several years ago.

5 0 Reply

Beatrice → Caroline Cary Davidson
7 days ago

I haven't been in a Target in probably 20 years. I was thinking about that just the other day.

Obtaining biometrics will not lessen theft or increase their security but it does help their bottom line since the government is paying them.........same as Amazon and many others.

3 0 Reply

chingchang → Beatrice
7 days ago

Funny , but I haven't shopped in a Target either for many years. Wonder why I stopped? Prices? merchandise not so hot.? Can't remember.

2 0 Reply

Beatrice → chingchang
7 days ago

Interesting. Same here. I don't know why I stopped. I don't shop in stores like Target anyway. Haven't been to a mall since 06. I don't really like to shop at all so a store with so many options would be annoying to me. I only shop when I know what I want and just go directly for it. I have a list and that's all I pay attention to. Boring, I know! But looking at stuff I don't need seems like such a waste of time except that I do like shopping in antique stores. To me, it's like learning history.

1 0 Reply

chingchang → Caroline Cary Davidson
7 days ago

Don't have to worry about shoplifting anymore. Just take it. Target is one of those companies telling its employees not to try and stop anyone. Target's policies keep me away from the store

2 0 Reply

Beatrice → chingchang
7 days ago

I wonder though ...is anyone permitted to shoplift or just people of color? I seriously doubt that if I went into target today and tried to steal something that they would let me run out the door...I'm white. My point being that the woke ideology that white people are racists who oppress the downtrodden ethnic peoples should be punished.

2 0 Reply

Joan Matthews
8 days ago

creepy.

5 0 Reply

chingchang
7 days ago

thats okay, I don't shop there. Prices are much too high.

3 0 Reply

Gary Brown
7 days ago

Jul 29, 2023 Biometrics integrations look to the future of account access, money, and digital ID

Biometrics and digital identity document contracts continue to generate millions for companies like IBM, Augentic and IN Groupe in major news items on Biometric Update this week. Many of the most widely read stories involved updates to integrate innovative technologies. Worldcoin's crypto is out and drawing strong reactions, passkeys were launched by 1Password and Microsoft, and NIST is adding a section to its digital ID guidance to incorporate new credentials.

https://www.biometricupdate...

see more

2 0 Reply

Beatrice → Gary Brown
7 days ago

What a pathetic view of humanity. Not even sure that human describes these people.

MS is extremely invasive. Can't stand them. Their forced updates are nothing more than downloads from your computer to their cloud and they put more and more spy crap on everyone's systems.

2 0 Reply

Gary Brown → Beatrice
7 days ago edited

I dumped Microsoft software over 20 years ago.

June 27, 2013 Spying on Americans before 9/11 NSA Built Back Door In All Windows Software by 1999 Government and Microsoft Inc

Digging a little further, we found a 1999 article by leading European computer publication Heise which noted that the NSA had already built a backdoor into all Windows software.

http://www.globalresearch.c...

2 0 Reply

Beatrice → Gary Brown
7 days ago

You were smart. I was naive though I'm not anymore!

1 0 Reply

Duties
8 days ago

What exec thought this was a good idea? Or were they doing it for the Regime?

2 0 Reply

Beatrice → Duties
7 days ago

Regime. You ask the most important question that can be easily answered if one thinks about it. Collecting biometric data isn't going to help target reduce theft or increase security. How could it? Target has been suffering losses from a host of issues including the plandemic and their woke ideologies that are in step with our government. No doubt, 'someone' bailed them out in exchange for their surveillance data.

But, let's not be so naive as to think that Target is the only one. The fact is that most retailers are doing this, your bank is doing this, the IRS, etc... and this has been going on for many years now. It began way back with the Patriot Act when GWB (like Hitler) used the medical industry to collect data on all patients including picture ID, etc... via HIPAA. The medical system works hand in hand with government and insurance, Amazon and Google and Facebook to compile and sell your personal data that can be used against you.

4 0 Reply

jann
6 days ago

If I was young and starting out, I would open a general store, with goods made in the U.S. and no electric eyes at the entrance, like those that existed when I was young. It's getting harder and harder to shop these days. I pay with cash (per Catherine Austin Fitts) in brick &

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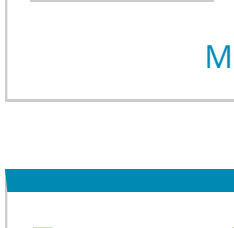

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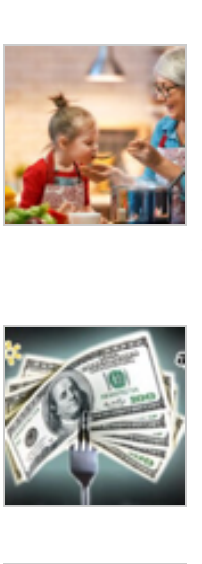

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